761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: November 23, 2011
FILE NO: FO2285239

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: JOSEPH B. NUNEZ, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2285239
Incident:	Use Of Force
Incident Date:	August 15, 2011
Unit:	Compton Station / FOR II
Suspect:	Harvey Lee Anderson M/59
Involved Employees:	Deputy John Werner [redacted] Deputy [redacted]
EFRC Date:	November 10, 2011

On November 10, 2011, the Executive Force Review Committee consisting of Commander Joseph Hartshorne, Commander Michael Rothans, and Commander Eric Parra met and reviewed the above case.

FINDINGS:

The Committee determined that the force used by Deputies Werner and [redacted] was objectively reasonable and in compliance with Department Policy. The Committee also determined that the tactics used by the deputies were reasonable and within the scope of Department training.

Los Angel s County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 911-11991-2814-399 | Date: 08/15/11 | Time: 1030hours

Location: 200 E. Compton Boulevard | City or Station: Compton

Bureau/Station/Facility: Compton Station | Admin. Investigation: YES ☐ NO ☒

Type of Force: Significant/Control Holds (Subject Hospitalized)

Deputy Injury: YES ☐ NO ☒ | Suspect Injury YES ☒ NO ☐

☐ Call ☒ Observation ☐ Detail ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ | Person Notified: Lt. Frank Montez | Emp: [redacted] | IAB Roll Out: YES ☒ NO ☐

Involved Employee

E 1

Employee #	Last Name	First Name	Middle Name
[redacted]	Werner	John	E.

Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: Compton Station | Work Assignment (Unit #, Module, etc.): 285

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 509 | Weight: 200

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case # | Directed Force ☐ Significant Force ☒

E 2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: Compton Station | Work Assignment (Unit #, Module, etc.): 285

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 510 | Weight: 210

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case # | Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case # | Directed Force ☐ Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Walsh	Glenn	D.	Sgt	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	King	Matthew	E.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Chase	Bruce	D.

Lt. Bruce Chase [redacted]
Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sergeant Sonja Bracken | [redacted]
Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Captain Diane E. Walker
Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO# 2295239

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
911-11991-2814-399

Suspect Information

S 1

Last Name: Anderson | First Name: Harvey | Middle Name: Lee

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: N/A | Home Phone: [redacted] | Age: 59 | Height: 600 | D.O.B. 10/18/51 | Weight: 190 | Armed? ☐

Booking #: 2844214 | Primary Charge Code: 7-8.16 (a) CMC | Secondary Charge Code: | Criminal History ☒

EMT in attendance? ☒ YES ☐ NO Name: Compton Fire/McCombs | Unit: 442 | Phone #:

Hospital Admission? ☒ | Rec'd Treatment At: Memorial Hospital of Gardena | Coroner Case #: | Mental History ☒

By Doctor: Kevin Edalat | Address: 1145 W. Redondo Beach Blvd. Gardena | Phone #: 310 532-4200

Under Influence: ☒ YES ☐ NO | Substance: Alcohol | Mental Illness ☒

Suspect Interview

Date: 08/15/11 | Time: 1118hrs | ☐ Audiotape: | ☒ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ Additional Suspects Involved

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Subject Anderson	S1	Deputy Werner	E1	UC,RS	NN	
Subject Anderson	S1	Deputy [redacted]	E2	UC/RS	NN	
Deputy Werner	E1	Subject Anderson	S1	CT/RH	FR	EL
Deputy [redacted]	E2	Subject Anderson	S1	CT/RH	NN	

FO2295239

Table of Contents

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Compton Station
DATE: August 15, 2011, Monday
TIME: 1030 hours
LOCATION: 200 East Compton Boulevard, Compton, Ca. 90220
IAB#: FO2295239
URN#: 911-11991-2814-399

NATURE OF INCIDENT:

On August 15, 2011, at approximately 1030 hours, Deputy John Werner and Deputy [redacted] were on patrol in the area of 200 E. Compton Boulevard, Compton. The deputies saw Suspect Anderson urinating in the bushes visibly exposed to the public.

Deputies contacted the suspect and requested that he cover himself up. As deputies attempted to detain him regarding the violation, Suspect Anderson became belligerent and resistive by yelling and pulling away from their grasp.

Concerned for their safety, Deputy Werner eventually placed the suspect's right arm in a Department approved rear wrist lock while Deputy [redacted] used a firm grip to control the suspect's left arm. As the deputies were escorting Suspect Anderson to their patrol car, the suspect attempted to free himself. Deputy [redacted] heard a popping sound while Deputy Werner heard and felt a popping sound come from the suspect's right elbow. Suspect Anderson then became compliant and was immediately handcuffed without further incident.

Although Suspect Anderson stated he was physically fine, due to the deputies observations, a Field Sergeant was requested along with the Compton Fire Department. Suspect Anderson was transported to Gardena Memorial Hospital where he was diagnosed with and treated for a "Tiny fracture to the right elbow."

The suspected was then cited for Urinating in Public and released.

IAB Note: For further details on Suspect Anderson's injuries, refer to Exhibit C for a copy of his medical report.

The following deputy personnel reported the following use of force:

Deputy Werner: Control hold (rear wrist lock).

IAB Note: For further details, refer to Exhibit A for a copy of Deputy Werner's supplemental report.

Deputy [redacted] Control hold (firm grip).

IAB Note: For further details, refer to Exhibit A for a copy of Deputy [redacted] **report.**

Medical records indicated that Suspect Anderson sustained a fractured right elbow.

IAB Note: For further details, refer to Exhibit C for a copy of Suspect Anderson's medical records.

Suspect Anderson was interviewed by Sergeant Glenn Walsh immediately after the incident on August 15, 2011. The interview was video recorded.

IAB Note: For further details, refer to Sergeant Walsh's transcribed interview with Suspect Anderson.

Lieutenant Frank Montez was notified and Sergeant Sonja Bracken was assigned to conduct an Administrative review of the incident.

The following review is based on written documentation, interviews of the suspect, and involved deputies.

INVOLVED PERSONNEL:

John Werner- Deputy, Employee [redacted]
Compton Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: 01/05/2005
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incident(s): 10/22/2010
Prior Founded Force Incidents: [redacted]

[redacted] Deputy, Employee [redacted]
Compton Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: [redacted]
Date Assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incidents:

INVOLVED SUSPECT:

Anderson, Harvey Lee MB/59, Booking #2844214, DOB: 10-18-1951
[redacted]
Booking Charges: 7-8.16 a CMC (Compton Municipal Code)
Main: [redacted] CII: [redacted] CDL: [redacted] FBI#: [redacted]

Involved Inmate's Criminal History:


[redacted]

IAB Note: For further on Suspect Anderson's Criminal History refer to miscellaneous documents.

DEPARTMENT EMPLOYEE WITNESSES:

None

NON-DEPARTMENT WITNESSES:

None

INJURIES:

Suspect Anderson sustained a subtle fracture of the right elbow.

> **IAB Note: Refer to Exhibit C, Inmate Thompson's medical records.**

There were no injuries to deputy personnel.

PHYSICAL EVIDENCE:

None.

INVESTIGATOR'S OBSERVATIONS:

There was no examination of the scene at the time of the incident. Investigators conducted a canvas of the area hours after the incident, there were no witnesses or surveillance cameras located.

WEAPON USED BY DEPUTY PERSONNEL:

None.

WEAPON USED BY INMATE:

Uncooperative, Resistance.

PROPERTY DAMAGE:

None.

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Suspect Anderson was cited for urinating in public (7-8.16 a CMC). He has a pending court date of November 15, 2011, in Compton Superior Court.

LIGHTING AND WEATHER CONDITIONS:

The incident occurred outdoors. The scene was illuminated by sunlight.

INVOLVED EMPLOYEES STATEMENTS:

DEPUTY [redacted] **Employee** [redacted] was interviewed on September 6, 2011, by Internal Affairs Bureau Sergeant Sonja Bracken and Sergeant Dondra Cullins. Deputy [redacted] was represented by Attorney Deborah Wadleigh from Green & Shinee. The interview took place at Internal Affairs Bureau in interview Room B and was digitally recorded. The following is a summary:

Deputy [redacted] said he has been with the Department for six years. He was [redacted] and has been at Compton Station for three years. He and Deputy Werner have been working together for approximately two years. On the date of this incident, he was carrying OC spray and expandable baton on his person, as less lethal options. He had no contacts with Suspect Anderson prior to this date, therefore he was not aware if he had any medical or mental history. He said Suspect Anderson appeared handicapped due to his bowlegs.

<u>IAB Note:</u> Refer to Exhibit E, for a photograph of Suspect Anderson.

Deputy [redacted] said he and his partner were traveling westbound on Compton Boulevard at Douglas Dollarhide Drive when they saw Suspect Anderson urinating in public near bushes. The deputies parked their vehicle in order to make contact with Suspect Anderson. Deputy [redacted] said as they approached him, his partner instructed Suspect Anderson to cover himself up. Suspect Anderson responded by saying, "I'm not doing anything, leave me alone." Deputy Werner attempted to grasp Suspect Anderson's left arm and Suspect Anderson pushed his hand away. Deputy Werner was then able to gain control of Suspect Anderson's right arm by placing it in a rear wrist lock. Simultaneously, [redacted] took control of Suspect Anderson's left arm by using a firm grip.

Deputy [redacted] said as he and Deputy Werner began to escort Suspect Anderson to their vehicle, which was approximately five to ten yards away, he attempted to pull away from their control holds. They both tightened their respective holds on Suspect Anderson when they heard a "pop" come from his right arm. Once they heard that sound, Suspect Anderson suddenly became compliant. They were able to handcuff Suspect Anderson and place him in the patrol car without further incident.

Deputy [redacted] said he did not consider using OC spray during the incident because he felt he and his partner could handle the suspect by using control holds.

Deputy [redacted] estimated that the entire incident took approximately three to four minutes.

Deputy [redacted] said Suspect Anderson did not complain of any pain. The deputies immediately notified their field Sergeant Glenn Walsh and he responded to the scene. The deputies decided to call for Compton Fire Department to have him medically evaluated based on the sound they heard. Compton Fire Department recommended that Suspect Anderson be transported to Gardena Memorial Hospital for further examination.

> **<u>IAB Note:</u> For further details, refer to Deputy [redacted] transcribed interview.**

DEPUTY JOHN WERNER, Employee [redacted] was interviewed on September 14, 2011, by Internal Affairs Bureau Sergeant Sonja Bracken and Sergeant Dondra Cullins. Deputy Werner was represented by Attorney Deborah Wadleigh from Green & Shinee. The interview took place at Internal Affairs Bureau in interview room B and was digitally recorded. The following is a summary:

Deputy Werner said he has been with the Department for approximately 6 years. He spent [redacted] he has been assigned to Compton Station. He has been partners with Deputy [redacted] for approximately two years.

Deputy Werner said he had no contacts with Suspect Anderson prior to this date, therefore he was not aware if he had any medical or mental history. He said he smelled the odor of alcohol coming from Suspect Anderson but he could not tell if he was intoxicated.

Deputy Werner said he and his partner were traveling westbound on Compton Boulevard at Douglas Dollarhide Drive when they saw Suspect Anderson urinating in public near bushes on a south side corner. They parked and approached Suspect Anderson from in front of him. He instructed Suspect Anderson to cover himself up as he began to grab for his left arm. Suspect Anderson responded by cursing and pulling away from him. As he then attempted to gain control of Suspect Anderson's right arm, Suspect Anderson raised his left fist as if he was going to assault him. He was able to gain control of Suspect Anderson's right arm by placing him in a rear wrist lock.

Deputy Werner said his partner took control of Suspect Anderson's left arm and they began escorting him to their patrol car. During the escort, Suspect Anderson attempted to pull away from the control holds by shaking his body back and forth.

At this point, Deputy Werner said he tightened his grip on Suspect Anderson's right arm and he suddenly felt and heard a "pop" sound. He said the positioning of Suspect Anderson's right hand during the rear wrist lock was in the middle, lower back area. He said Suspect Anderson instantly became compliant and was handcuffed without further incident.

Deputy Werner estimated that the incident took approximately four to five seconds. He said he did not consider using OC spraying or putting out any radio traffic because he was already engaged with him, he did not want to relinquish control of his hands or take the chance of Suspect Anderson fighting with them. He said their intentions were to gain control of Suspect Anderson, escort him to the patrol car, search him and then handcuff him prior to placing him inside their vehicle.

Deputy Werner said Suspect Anderson did not complain of any pain. Sergeant Walsh was called to the scene and they collectively decided to have Suspect Anderson medically evaluated. Compton Fire Department was summoned and responded to the scene. He said Compton Fire personnel recommended that Suspect Anderson be medically evaluated further. He was transported via ambulance to Gardena Memorial Hospital.

> **IAB Note: For further details, refer to Deputy Werner's transcribed interview.**
>
> **IAB Note: See Exhibit E for photographs depicting the suspect's location and the deputies patrol car location signed by Deputies [redacted] and Werner.**
>
> **IAB Note: In both of their interviews, Deputies [redacted] and Werner said they were driving the patrol car on the morning of this incident. It was later verified that Deputy [redacted] was mistaken and that Deputy Werner was in fact the driver deputy on this date.**

DEPARTMENT EMPLOYEE WITNESS STATEMENT:

None

NON-DEPARTMENT WITNESS STATEMENTS:

None

SUSPECT HARVEY ANDERSON'S STATEMENTS:

Suspect Harvey Anderson, Booking #2844214, was interviewed on August 15, 2011, by Internal Affairs Bureau Sergeant Sonja Bracken and Sergeant David Bly. The interview took place at Compton Station and was digitally recorded. The following is a summary:

Suspect Anderson admitted he was at the shopping center in the area of Compton Boulevard and Douglas Dollarhide Drive. He admits he was urinating in the bushes in the area. He said the deputies approached him from behind, that is why he did not know they were deputies. He did not realize who was grabbing him until he turned and saw them. He said both deputies grabbed him, his right arm was "twisted" and then he was handcuffed. He said when they grabbed him, he heard and felt like his bone cracked in his right arm and this caused him pain. Suspect Anderson denied fighting with the deputies or resisting in anyway.

> **IAB Note: Later in his interview, Suspect Anderson said he told the deputies that his right arm was not in pain but they insisted that he should go to the hospital.**

Suspect Anderson denied having any types of injuries or previous broken bones to his body prior to contact with the deputies on this date. He did not think the deputies were trying to hurt him and believes the injury was an accident. He believed that the deputies were trying to place him under arrest for urinating in public.

He denied being under the influence of any alcohol or drugs.

> **IAB Note: For further details, refer to Suspect Anderson's transcribed Internal Affairs Bureau interview and field interview with Sergeant Walsh.**

> **IAB Note: Suspect Anderson was cited and released from Compton Station after his interview with IAB investigators. IAB investigators re-contacted Suspect Anderson while canvassing the incident scene. Suspect Anderson told investigators that he was hit by a car approximately 15-20 years ago and confirmed that he had two broken legs due to that accident. He maintained that he had no previous injuries to his shoulders or arms.**

> **IAB Note: According to Suspect Anderson's medical records, a [redacted] Refer to Exhibit C, page 12.**

IAB Note: IAB Sergeant Bracken spoke to Gardena Memorial Hospital, Dr. Dugard on 09/21/11. According to the X-ray reading of Suspect Anderson's elbow, it did not show signs of an actual fracture. His injury was more of a soft tissue (swelling) injury that is normally treat by providing the patient with a sling as a precaution. The swelling to his elbow was possibly attributed to Suspect Anderson's age and the position of his elbow as he was resisting deputies. Also see Exhibit D, for more information & X-ray pictures on Suspect Anderson's type of injury.